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INVASION OF STATES.

SPEECH

OF

HON. ROBERT TOOMBS, OF GA.,

DELIVERED IN THE SENATE OF THE U. S. JANUARY 24, 1860.

The Senate having under consideration the resolution offered by Mr. DOUGLAS, directing the Judiciary Committee to report a bill for the protection of each State and Territory against invasion by the authorities and inhabitants of every other State and Territory—

Mr. TOOMBS said:

MR. PRESIDENT AND SENATORS: The legislation proposed by the resolution on your table opens a new page in the history of our country. Such legislation clearly falls within the constitutional powers of Congress, and is a step in the right direction. I accept it as an effort to enable the Federal Government to perform its duty on this subject by preserving peace among these confederate States. But, sir, I fear that the disease lies too deep for the remedy. But it is suggestive, and furnishes a stand-point from which we may well survey the state of the Republic—its past, its present, and its future. Hitherto this Government has been enabled to grapple with and surmount all the difficulties, foreign or domestic, which have impeded its course or threatened its safety. Indeed, before the adoption of the present Constitution—in fact, before the adoption of any Federal Government whatever, the spirit of nationality, a common interest, a common danger, carried the country nearly through the war of the Revolution. The Articles of Confederation were not adopted by all the States, and were not legally binding on any State until the 1st March, 1781, which was within eight months of the brilliant termination of hostilities at Yorktown. Very soon after the organization of our existing Government, fierce and earnest party struggles began; men's passions were deeply aroused; but none felt that the State was in danger. They were then mere party questions; men then divided on the policy of Jay's treaty, alien and sedition laws, acquisition of new territory, the embargo, war with Great Britain, French alliance, tariffs, currency, and internal improvements by the Federal Government. Some of these questions were of deep importance to society. Some of them rose to the dignity of constitutional questions; but none of them involved the existence or permanent safety of society; and when submitted to the arbitrament of the ballot-box, all men acquiesced quietly in the result, because the fundamental principles of the social fabric were not affected by the result.

Now, all this has changed. The feeling of nationality, of loyalty to the State, the feeling of a common interest and a common destiny, upon which foundations alone society can securely and permanently rest, is gradually but rapidly passing away. Hostility to the compact of Union, to the tie which binds us together, animates the bosoms, and finds utterance in the tongues of millions of our countrymen, and leads to the habitual disregard of its plainest duties and obligations. Large bodies of men now feel and know that party success involves public danger; that the result may bring us face to face with revolution. Senators, we all feel it in this chamber; we hear it proclaimed here every day; we hear it proclaimed daily in the other branch of Congress; we hear it from State Legislatures, from the pulpit and the press, and from popular assemblies throughout the length and breadth of this broad land. Impotent threats, such as were made yesterday by the Senator from Maine, will not arrest its onward march. Idle gasconade, such as was used by the Senator from Iowa, and, I think, by the Senator from Illinois, (Mr. TRUMBULL,) and their associates in this and the other House of Congress, to put it down by the strong arms of their constituents, will not arrest its steady advance.

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I would only suggest to them that it may be wise to reserve their boastings until they are returning from the battle—Divine wisdom cautions even the brave against using them in going into battle. The public danger can only be averted by the removal of its real causes.

These causes are plain, palpable, apparent to the lowest comprehension. The fundamental principles of the system of our social Union are assailed, invaded, and threatened with destruction; our ancient rights and liberties are in danger; the peace and tranquillity of our home have been invaded by lawless violence, and their further invasion is imminent; the instinct of self-preservation arouses society to their defence. These are the causes which are undermining, and which, if not soon arrested, will overthrow the Republic. The effect of this state of public affairs is so well portrayed by an eminent English writer, that I will take the liberty of quoting a paragraph from him. I read from Mr. Mill, on the Logic of the Moral Sciences, page 582:

“The second condition of permanent political society has been found to be the existence, in some form or other, of the feeling of loyalty. This feeling may vary in its objects, and is not confined to any particular form of government; but whether in a democracy or in a monarchy, its essence is always the same: namely, that there be in the constitution of the State *something* which is settled, something permanent and not to be called in question; something which, by general agreement, has a right to be where it is, and to be secure against disturbance, whatever else may change.”

* * * * * “A State never is, nor until mankind are vastly improved can hope to be, for any long time exempt from internal dissension; for there neither is nor has ever been any state of society in which collisions did not occur between the immediate interests and passions of powerful sections of the people. What, then, enables society to weather these storms and pass through turbulent times without any permanent weakening of the ties which hold it together? Precisely this—that, however important the interests about which men fall out, the conflict does not affect the fundamental principles of the system of social union which happens to exist: nor threaten large portions of the community with the subversion of that on which they have built their calculations, and with which their hopes and aims have become identified. But when the questioning of these fundamental principles is (not an occasional disease, but) the habitual condition of the body politic, and when all the violent animosities are called forth, which spring naturally from such a situation, the State is virtually in a position of civil war, and can never long remain free from it in act and fact.”

That, sir, is our condition to-day. We are virtually in civil war, and these are the causes of it. It is known and felt on this floor. I feel and know that a large body of these Senators are enemies of my country. I know they and their associates have used the power which has been placed in their hands by many of the States, to assail and destroy the institutions of these confederate States. I know that under color of the liberty of speech, even in these Halls, day by day, and year after year, they have thundered their denunciations against slavery and slaveholders, against confederates and their institutions, and thus seek to apply the torch to our homesteads, and to desolate our land with servile and internecine war. Sir, the present state of things is no longer compatible with our security nor our honor. We demand peace or war. We prefer peace; we have sought it through peaceful channels; but though the road to it shall lead through war, we intend to have it.

We do not charge these wrongs against the Federal Government. There has been no time, since its establishment, when it has been truer to its obligations, more faithful to the Constitution, than within the last seven years. Its executive and judicial departments have firmly maintained the fundamental law in relation to these great questions; and the legislative department has approximated the same standard nearer than at any other period of our history within the last forty years. And it is because of this fidelity to its duty that it is habitually denounced by a coalition in this country, which is seeking to control it, with intent to make it subservient to their treacherous purposes. It is the duty of all patriotic citizens to uphold it, and protect it against such prostitution. I speak to no man as a partisan. I feel but small concern about mere party success. These questions rise far above so ignoble a standard. I would that all good men, of every party, would unite and rally around the Constitution, and defend this last bulwark of national safety against these public enemies.

These public enemies are Abolitionists who have formed a coalition with all the

waifs and strays—deserters of all former political parties—and the better to conceal their real purposes have assumed the name of the Republican party. This coalition has but one living, animating principle or bond of union, and that is hatred of the people and institutions of the slaveholding States of this Union. This coalition has evinced, by its acts, its declarations, a fixed and determined purpose, in spite of the Constitution, in spite of solemn engagements to obey and maintain it, and in spite of all the obligations which rest on every member of every civilized State to limit, to restrain, and finally to subvert, the institutions of fifteen States of the Union.

Sir, I know these are strong charges; I have not made them lightly. I speak in sorrow, not in anger; I make them with pain, not pleasure. I feel it a duty I owe to my country, to my whole country, to speak the truth plainly, that the people may know and perchance avert the public calamity. I feel deeply the obligation which rests upon me to sustain them by clear and irrefragable proofs before the Senate, the country, and the civilized world; to that duty I now proceed.

I charge, first, that this organization has annulled and made of none effect a fundamental principle of the Constitution of the United States in many of the States of this Union, and has endeavored, and is endeavoring, to accomplish the same result in all the non-slaveholding States.

Secondly. I charge it with openly attempting to deprive the people of the slaveholding States of their equal enjoyment of, and equal rights in, the common territories of the United States, as expounded by the Supreme Court, and of seeking to get the control of the Federal Government, with the intent to enable it to accomplish this result by the overthrow of the Federal judiciary.

Thirdly. I charge that large numbers of persons belonging to this organization are daily committing offences against the people and property of these confederate States, which, by the laws of nations, are good and sufficient causes of war even among independent States, and Governors and Legislatures of States, elected by them, have repeatedly committed similar acts.

Now, for these causes, I maintain that this coalition is unfit to rule over a free people; and its possession of the Federal Government is a just cause of war by the people whose safety is thereby put in jeopardy.

The third clause of the second section of the fourth article of the Constitution reads as follows:

“No person held to service or labor in any State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

The second section of the sixth article says:

“This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.”

This is the Constitution. It is plain; it is distinct. It needs no commentary; and if it did, such commentary is to be found in the words of the fathers who put the provision there. I have them before me. They are known of all men. The principle did not originate in the Constitution. It has been a fundamental principle of society for thirty centuries. It is to be found, also, in the ordinance of 1787, an ordinance called by this organization which chooses to usurp the name of the Republican party, a *sacred* ordinance. It is in the sixth clause of that act. It was in the very section which declared that slavery or involuntary servitude, except for crime, should never exist in the Northwest Territory, which was put there, in a moment of weakness, by the old Confederation.

These hypocrites, who affect almost to ascribe Divine origin to this ordinance, under which they have been protected and admitted as equals to the Government, are the first to evade, deny, and elude so much of its obligation as is not conformable to their ignorance and narrow prejudices. They use the liberty wherewith we have clothed them to bring shame and reproach on themselves and an empire of

freemen. But, as I have said, this sound principle of public polity had an older origin than the ordinance of 1787. In the confederation of the New England States, it was adopted as their public law. I will merely advert to the authority. My voice will not allow me to read it all. It is apparent that the act of 1793 was almost a transcript of that agreement. It certainly was its foundation; for the similarity of ideas and language could not be accidental. The New England Senators who drafted and voted for the act of 1793 could not have been ignorant of their own act of 1643. This is that act:

"It is also agreed, that if any servant run away from his master into any of these confederate jurisdictions, that in such case, upon certificate of one magistrate in the jurisdiction out of which this said servant fled, or upon other due proof, the said servant shall be delivered either to his master or any other that pursues and brings such certificate or proof." *Winthrop's New England*, vol. 2, pp. 104, 105.

The Puritan fathers required less evidence to deliver up a fugitive from labor than a fugitive from justice by one half. For the delivery of a fugitive from justice, they required the certificate of two magistrates. Who these servants were, I refer you, for further information, to that portion of the history of New England in which you will find that *humane* Indian intercourse law under which they made reprisals on the "salvages" for the wrongs they did Christians, by seizing these "salvages," (though their officers were directed to be sparing of seizing *women and children*;) exporting and exchanging them for "neagers." These prudent Puritans had not studied Nott and Gliddon, or Morton, or Agassiz on the diversity of races, but experience had taught them the superiority of the "neager" over the Indian as an available operative; therefore they *exported* the Indian and *imported* the African.

The act of Congress of 1793, to surrender fugitives from labor, came for adjudication before the Supreme Court, and was there sustained. It was decided to be constitutional by every State court in the United States up to the passage of the act of 1850, without any exception. It was not only affirmed in the case of *Prigg vs. Pennsylvania*, by the Supreme Court of the United States; not only affirmed to be a constitutional law by every judicial officer of the Federal Government who ever sat on the bench anywhere, at any time, from the formation of the Government down, but the judiciary of every non-slaveholding State in the Union affirmed its constitutionality, as well as the courts of the slaveholding States. The act of 1793 was adopted during the administration of Washington. It passed the Senate unanimously—was introduced by New England men, and I suppose they got it from the source I have indicated. It was passed in the House of Representatives by twenty-six northern and twenty-two southern men—nearly a unanimous vote in that House. It was signed by Washington. It was not questioned until the non-slaveholding States began to act under the influence of Exeter Hall; their treason was not indigenous. These traitors now pretend that the act of 1850 instigated the hostility to the rendition of fugitives from labor.

I will show from the record, that the pretence is untrue; long before that act was passed they had passed numerous cunningly contrived and fraudulent acts to elude, evade, and defeat this plain constitutional obligation. What does the act of 1850 do? It only more effectually provides for the execution of the Constitution, and defeats fraudulent State legislation intended to elude its provisions. The constitutionality of this law has been maintained, as far as I know or believe, by every Federal court in the Union, and every State court also, except that of Wisconsin. The decision of that court has recently been brought before the highest judicial tribunal of our country. I find in the twenty-first volume of Howard's Supreme Court Reports two cases decided together, *Ableman vs. Booth*, and the *United States vs. Booth*. That decision is able, learned, and eloquent. I cannot read all of it that I could wish to read. I commend it to all honest men; I give enough of it to elucidate the point I am discussing:

"In the case before the supreme court of Wisconsin, a right was claimed under the Constitution and laws of the United States, and the decision was against the right claimed; and it refuses obedience to the writ of error, and regards its own judgment as final. It has not only reversed and annulled the judgment of the district court of the United States, but it has reversed and annulled the provisions of the Constitution itself."—*Howard's Reports*, vol. 21, p. 522.

That is the unanimous judgment of the whole court, of the northern men and the southern men on that bench; and there are four northern men on it. They declared that the court of Wisconsin had not only annulled the judgment of the district court of the United States, but had reversed and annulled the provisions of the Constitution itself. One of the youngest of our sisters, who got rotten before she got ripe, comes to us even in the first few years of her admission, with her hands all smeared with the blood of a violated Constitution, all polluted with perjury.

But, say the Supreme Court of the United States, also unanimously, in reference to the act of 1850:

"But, although we think it unnecessary to discuss these questions, yet, as they have been decided by the State court and are before us on the record, and we are not willing to be misunderstood, it is proper to say that, in the judgment of this court, the act of Congress commonly called the fugitive slave law is, in all its provisions, fully authorized by the Constitution of the United States."—*Ibid*, page 526.

Such is the judgment of the whole court. No honest man denies, or even questions, its soundness or its purity. It is the sole arbiter created by the Constitution of our country to decide upon the private rights of the people of one State against the people of another State under the Constitution. The highest judicial tribunal of Wisconsin refuses to obey this decision; the State sustains them, and has the audacity to send Senators here to look honest men in the face, and prate about union. Their insensibility to shame excites more of our pity than our contempt. Mr. President, I hold in my hand copies and abstracts of laws, resolutions and bills of nine States of this Union, all of which have been devised with the direct intent to abrogate and annul this plain provision of the Constitution. The laws were passed by the Abolitionists, now called the Republican party of the United States. They are all plain, direct, undeniable violations of the oaths which the men who passed them took to support the Constitution of the United States. All of them display the scienster, the corrupt knowledge of those that passed them, of the crimes they were committing. Their very efforts to hide, to conceal their purpose, demonstrate their criminal intent. I shall not detain the Senate with reading this sad catalogue; but I shall comment on the most atrocious of these laws, and annex abstracts of them to my printed speech, with references to enable the reader to investigate this humiliating record of depravity.

Their objects are sometimes sought to be accomplished by resolutions proclaiming a "higher law" as the guide to pliant judicial interpretation. In other cases they are sought to be accomplished by *habeas corpus* acts, by writs of *mandamus*, intended to transfer cases from the judgment of honest men to the decisions of Republicans; but the bolder criminals have squarely met the question, and annulled the Constitution by means of what are called personal liberty acts. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Michigan, Wisconsin, Iowa, Ohio, and New York, have all sought to accomplish these results in the one or the other of the modes which I have described. I have not the Iowa and Wisconsin laws before me. I am informed they are of the same character, purpose, and intent.* The State of Maine, by section 53, chapter 80, of Revised Code, fines every honest man in her limits who regards his obligation to the Federal compact, and holds State office under her, \$1,000, or imprisons him not less than one year, for maintaining, or attempting to maintain, this provision of the Constitution. No person in Maine can enter upon the discharge of any office, civil or military, who does not take an oath to support the Constitution of the United States. If he chooses to regard the obligations of his oath and the duties of a good citizen, he is fined \$1,000 or put in prison. Maine offers to her office-holders, in the discharge of national obligations, the alternative of perjury or a prison. I never heard of a Republican in the State who accepted the latter alternative.

Massachusetts commenced her career of crime as early as March 24, 1843, and

*Mr. Teonbs is glad to be told by the Senator from Iowa, that she has passed no law attempting to nullify this clause of the Constitution.

has continued it up to 1858. Infidelity to the Federal compact is the rule of conduct of her public men of the Republican party; and open, shameless disregard of their oaths to support the Constitution, as far as the fugitive slave law is concerned, is their best passport to popular favor. New Hampshire frees every fugitive from labor who may escape into her borders, unless the act of reclamation be done by some officer of the United States, or other person in the execution of any legal process. The Constitution says, as interpreted by the Supreme Court in *Prigg vs. Pennsylvania*, she shall not. Her public men swear they will support the Constitution. By her legislation, she would imprison any one of her southern "brethren," five years for passing through her borders accompanied by his body servant; yet I am considered a rash, violent man, a disunionist, for not accepting such people as my brethren. (See laws of New Hampshire, Chapter 1956, June session, 1857.) The people of Vermont would seize my servant under similar circumstances, and the State pledges its whole power to defend him. Michigan would imprison any southern man by her laws for passing through her territory with his domestic servant. She has been otherwise extremely active in her legislation to subvert the Constitution. Rhode Island has offered her officers, civil and military, the same alternatives allowed them by Maine, to wit, perjury or a prison. Connecticut has passed characteristic laws, under the fraudulent pretence of preventing kidnapping. She fines all persons \$5,000 and imprisons them five years for failing, in their suit, to recover their slave property; and takes good care, by her rules of evidence and the tribunals before whom she attempts to bring them, that they shall fail.

Mr. FOSTER. Will the Senator permit me to ask him a question?

Mr. TOOMBS. Certainly.

Mr. FOSTER. The Senator has alluded to the State of Connecticut. I should be obliged to him if he would point out the act of the State of Connecticut which he claims to be unconstitutional. I ask it, merely that I may have my attention drawn to it.

Mr. TOOMBS. I will. In Connecticut persons were prohibited from bringing slaves into the State, under a penalty of \$350 for each slave; and the State authorities were prohibited from arresting or detaining fugitives from slavery, by the act of 1854.

Mr. FOSTER. I will ask the Senator if he will not read the act, to see whether the prohibition of bringing slaves into the State be not to sell or dispose of them—whether that is not the whole provision to which he refers. It merely prevented the bringing in slaves to sell or dispose of them.

Mr. TOOMBS. I will read them all: "An act for the defence of liberty in this State," passed in Connecticut, April, 1854—

Mr. FOSTER. It is the act, the title of which he just read, to which I call his attention.

Mr. TOOMBS. You stopped me before I got through with the black list. The act passed in 1854, entitled "An act for the defence of liberty in this State," to be found in your compilation of 1854, page 978, is the most artfully contrived, cunningly devised, the most fraudulent act of any of those to which my attention has been drawn. Many acts of your co-conspirators exceed it in boldness, none in meanness and infamy. I have already described it, and leave it to you to defend. It does furtively and clandestinely, what the New York bill did openly. It did not require of its supporters to gulp down wholesale perjury, like the New York bill; but it did require them to do the same thing in a more indirect manner. I will now show what was attempted in New York.

Mr. COLLAMER. If the Senator will indulge me a moment, I merely wish to ask him to give me the dates of those acts of Vermont to which he has alluded.

Mr. TOOMBS. I do not wish to be interrupted. I have referred to them all by date. I will attach them to my speech. I have examined some of them myself, and have had copies taken from others, under my direction, by a competent person.

Mr. COLLAMER. I merely asked the date of them.

Mr. TOOMBS. I will give them to you with pleasure when I have done, but I cannot go back for that purpose.

Mr. President. I have charged these acts of perfidy upon these States—they are all proved by the records; but I must stop here, to do justice to large numbers of patriotic men in those States, who struggled manfully to keep their faith with their confederates. These things were almost wholly done by the Republican party; but few of the Americans and none of the Democrats, as far as I know, aided or abetted these iniquities. Whenever the Republicans have had power, notwithstanding their sacred oaths to maintain the Constitution, they have proved false to it, and have perpetrated these crimes. In Indiana and Illinois, in California and Oregon, they have never had power; and the Constitution, by that fact alone, has been preserved from desecration in those States. The same has been true of Minnesota and Pennsylvania and New Jersey. Even in States where they have not political power, every man knows, in the sections of such States where they have the majority, they accomplish by violence what they cannot do by law. Theft and murder are their ordinary means of defeating the Constitution, where they are not strong enough to pass laws; and every man knows that the fugitive slave law is a dead letter in the non-slaveholding States, except where the Democrats have power, or are in the majority in the locality where it is attempted to be enforced. In Ohio, the Black Republicans passed similar laws, but the Democrats repealed them; but I see that the Republican governor has recommended their re-enactment.

Mr. WADE. I have no doubt they will reinstate them at the first opportunity in Ohio.

Mr. TOOMBS. I have no doubt of it either. They have showed themselves capable of any violation of the Constitution of their country, and they have shown that no oaths can bind them to maintain the compact. I do not doubt it. I do not doubt they will do it in every State where they have the power, and I have no doubt they will treat the Constitution in the same way if they get power here; and for that reason I trust they will never get it while there is a drop of blood in a true heart from here to the Rio Grande. It is because I know they will do it, it is because I have demonstrated that they will do it, that I say we are brought face to face with revolution in that contingency. In New York, the Republican party, at the last session of the Legislature, attempted to pass a law, and did pass it through one branch, exceeding those of her associates in this Union in iniquity, in plain, open, shameless, and profligate perfidy, as far as she exceeds them in population and wealth. I will thank my colleague to read for me the several sections I will indicate.

Mr. IVERSON read, as follows:

"Sec. 3. Whenever any person in this State shall be deprived of liberty, arrested, or detained, on the ground that such person owes service or labor to another person not an inhabitant of this State, either party may claim a trial by jury, and shall have twenty peremptory challenges, and in addition thereto the other challenges to which a person indicted in this State is entitled.

"Sec. 4. Every person who shall deprive, or attempt to deprive, any other person of his or her liberty, contrary to the provisions of the preceding section of this act, shall be guilty of a felony, and shall, on conviction thereof, be subjected to a fine not exceeding five thousand dollars, nor less than one thousand dollars, and by imprisonment in the State prison for a term not exceeding twenty years nor less than five years: *Provided*, that nothing in said preceding sections shall apply to, or affect, the right to arrest or imprison for any contempt of court.

"Sec. 6. Every person who may have been held as a slave, who shall come or be brought, or be in this State with the consent of his or her alleged master or mistress, *or who shall come or be brought, or be in this State, shall be free.*

"Sec. 7. Every person who shall hold, or attempt to hold, in this State, in slavery, or as a slave, or any free person in any form, or for any time, however short, under the pretence that such person is or has been a slave, shall, on conviction thereof, be imprisoned in the State prison for a term not less than five years nor more than twenty years, and be fined not less than one thousand dollars, nor more than ten thousand dollars.

"Sec. 9. No person, while holding any office of honor, trust, or emolument, under the laws of this State, shall in any capacity issue any warrant or other process, or grant any certificate, under or by virtue of an act of the Congress of the United States, approved the 12th day of February, A. D. 1793, entitled 'An act respecting fugitives from justice and persons escaping from the service of

their masters,' or under and by virtue of an act of said Congress, approved the 18th day of September, A. D. 1850, entitled 'An act to amend and supplementary to An act respecting fugitives from justice, or persons escaping from the service of their masters,' or shall in any capacity serve any such warrant or other process."

Mr. TOOMBS. That will answer. Those sections give a fair sample of the bill. The balance of the clauses of this bill are of the same character. You will perceive a citizen of a slaveholding State could not cross over from the Jersey shore to a British steamer lying on the New York side of the North river, with his servant, without being treated as a felon, and fined and imprisoned in the Penitentiary.

Mr. KING. If the Senator will excuse me, I ask him if he will give me the date of the passage of the law?

Mr. TOOMBS. I have already said it did not become a law; it gives me great pleasure to answer any question which may be asked in good faith, and with the honest intent to get at a fact or opinion; but courtesy is entitled to good faith. The bill passed the House of Representatives of New York, 84 to 22. It did not pass the Senate; I do not find final action on it in that House; I have heard outside of the record that the Black Republican majority was small in that House—probably not more than two or three—and that two of them refused to vote for a bill so clearly and palpably violative of the Constitution of the United States. But it answers the purpose for which I want it as well, as it now stands, as it would have done had it become a law. I am showing the principles and policy of this party. I am trying them by the votes they have given under oath, in their own Legislature. They are representative men. As far as I have been able to ascertain the party position of the names on the record, the bill was voted for by the Republicans in a body in the House, and voted against by every Democrat on the record. This, I again repeat, does not appear on the record; and if I am misinformed, I would like to be corrected.

Mr. KING. The manner in which the gentleman speaks of the disposition I had is strange. My disposition was simply to ascertain the fact. He states now that the bill passed one House and did not pass the other.

Mr. TOOMBS. I said so at first. The Senator might not have heard me.

Mr. KING. I thought you spoke of it as a law.

Mr. TOOMBS. No; I spoke of it as having passed one House by a vote of 84 to 22. I spoke from memory on that point. As to the party position of the voters, I of course learn that from outside sources; but I have no doubt of its substantial correctness. I understand that, of the affirmative vote, all belonged to one party—the Republican party. They voted to annul both laws, that of 1793 and that of 1850, by name. The bill failed in the Senate; the party was not quite strong enough there to consummate this iniquity. It may be that the very able report of Mr. Diven against it may have caused even some Republicans to pause in their career of faithlessness and perfidy.

Now, sir, I have shown you what has been done on this question by these States under Republican rule; what Ohio has done, and what she promises to do again—what her Senator [Mr. WADE] says she will do. I have shown you what the Republican party of New York voted to do; and on this evidence I demand judgment of the country, whether I have not fully sustained the first charge I have made against them. I have proved their utter disregard of their constitutional obligations, and that it is their fixed policy, as a party, to defeat that clause of the Constitution which requires the rendition of fugitives from labor. I do not say even that all persons belonging to that organization have actively participated in these high crimes and misdemeanors. Some persons may be among them and not of them. Even to such as these I would not be unjust. Let them come out from among them, and enlist under the banner of the Constitution. This organization protests against being tried by the declarations of individual men, by unauthorized persons, even in political union with it. I admit the force of the plea, and I sought and find their policy in their united action, as indicated by the great majority of the party acting in high official positions and under the sanction of oaths.

I have not sought to bind them by the cry of the mob; I have not gone to their pulpits, and brought up against them the wild ravings and revilings of their spiritual teachers, who every Sabbath desecrate the temples erected to the living God. I have tried and convicted them by the record. It has lately become the fashion with official members of this party at the national capital to disavow as radical Abolitionists, those who are imprudent in proclaiming plainly their policy. They seek to discard this branch of the family. I must expose their ingratitude as well as their injustice to these sappers and miners, the advance guard of the Republican armies. There is a difference between the Republicans and this radical school of Garrison and Phillips Abolitionists; but the difference is in favor of the latter. The Garrison and Phillips school say our Constitution is pro-slavery; that it does require the surrender of fugitives from labor; therefore we can take no oath to support it, and can vote for no man who will take such oaths, either to keep or break them. This advance guard of the army boldly assaults the Constitution itself. Their conduct in this respect stands out in honorable contrast with their allies who take oaths to support the Constitution, and then break them.

Sir, I have said this was not a new principle introduced into our Constitution. The Constitution but affirmed a great principle which civilized society had for more than twenty centuries found necessary to its peace and security. I have shown that it was inserted in the ordinance of 1787, before the Constitution was adopted. I have shown that the New England confederation adopted it in 1643. The supreme judicial tribunal of Prussia affirmed it as the public law of Europe as late as 1855 or 1856. It was acknowledged to be a sound principle of public law in the days of Pericles, and its violation by one of the States of Greece was the chief cause of the Peloponnesian war, which devastated Greece for twenty-one years. I ask the favor of my colleague to read from Thucydides the passages which I have marked.

Mr. IVERSON read, as follows:

"After this, they sent ambassadors again to Athens, commanding them to levy the siege from before Potidæ and to suffer Ægina to be free; but principally, and most plainly telling them that the war should not be made in case they would abrogate the act concerning the Megareans. By which act they were forbidden both the fairs of Attica and all ports within the Athenian dominion. But the Athenians would not obey them, neither in the rest of their commands nor in the abrogation of that act; but recriminated the Megareans for having tilled holy ground, and unset with bounds, and for receiving of their slaves that revolted. But at length, when the last ambassadors from Lacedemon were arrived, namely: Rhamphias, Melesippus, and Agesander, and spake nothing of that which formerly they were wont, but only this, that 'the Lacedæmonians desire that there should be peace, which may be had, if you will suffer the Grecians to be governed by their own laws,' the Athenians called an assembly, and propounding their opinions amongst themselves, thought good, after they had debated the matter, to give them an answer once for all. And many stood forth and delivered their minds on either side—some for the war, and some that this act concerning the Megareans ought not to stand in their way to peace, but to be abrogated; and Pericles, the son of Xantippus, the principal man at that time of all Athens, and most sufficient both for speech and action, gave his advice in such manner as followeth."—*Hobbes's Thucydides*, page 69.

Mr TOOMBS. This is the narrative of Thucydides, giving the causes of the Peloponnesian war. The Megareans had given refuge to the revolted slaves of Athens. She was in alliance with Sparta. Athens had forbidden trade and commerce with her until she gave up those slaves. Sparta sent her ambassadors to Athens, and told her to withdraw that decree. Finally, the Lacedæmonians said: If you will withdraw your decree against the Megareans, in the matter of the fugitive slaves, we shall have peace. The matter was debated. Some then said it was a small matter; we will give it up. Pericles addressed the people; and I call your attention to a few words of his, announcing a principle which deserves the immortality it has won:

"Now, let none of you conceive that we shall go to war for a trifle, by not abrogating the act concerning Megara, (yet this by them is pretended most, and that, for the abrogation of it, the war shall stay;) nor retain a scruple in your minds, as if a small matter moved you to the war; for even this small matter contained the trial and constancy of your resolution, wherein, if you give them way, you shall hereafter be commanded a greater matter, as men that fear will obey them likewise in that. But by a stiff denial, you shall teach them plainly to come to you hereafter on terms of

more equality. Resolve, therefore, from this occasion, either to yield them obedience before you receive damage, or, if we must have war, (which, for my part, I think is best,) be the pretence weighty or light, not to give way nor keep what we possess in fear. For a great and a little claim, imposed by equals upon their neighbors, before judgment, by way of command, hath one and the same virtue to make subject."—*Ibid*, page 70.

The Greeks, too, under their league, had an arbiter, to whom this class of disputes might be referred. This noble old Greek saw the importance of a principle. Some of his countrymen thought it too small an affair to lead to war; but his sound and eloquent argument was listened to and affirmed in the assembly of the people, and his policy was adopted. The Athenians greatly and wisely determined to vindicate this principle, and go to war rather than surrender it. That war brought unnumbered woes on all Greece. Even if I had full knowledge that the same result would happen to my country, I would repeat Pericles' advice to my countrymen. If Grecian liberty has slept in the tomb of twenty centuries, it slept without dishonor; if it perished, it did not perish ingloriously.

Sir, I will conclude this branch of the subject by reading an extract from a speech of one of our own great lights, which has but recently gone out; a man to whom the high honor of being the great expounder of the Constitution was assigned by a large portion of the intellect and patriotism of his generation; a man whose fidelity to the Constitution of his country lost him the confidence of New England. I need not say I mean the late Daniel Webster. In his speech of the 28th of June, 1851, at Capon Springs, Virginia, Mr. Webster said:

"I do not hesitate to say and repeat that, if the Northern States refuse, wilfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves, the South would no longer be bound to observe the compact. A bargain broken on one side is broken on all sides."

I say the bargain is broken—broken by the States whose policy I have reviewed; broken by the Republican party, who did the work in their legislatures and elsewhere. Their hands are soiled with the blood of the compact—they cannot be permitted to administer at its altars. I know not that it was even necessary to prove this point of the case. I doubt much whether the members of that party will deny the fact that it is their fixed policy never to carry out, in good faith, this part of the bargain. I doubt if there be five, out of all the members of the Republican party on this floor, who will stand up here to-day, and say they are willing, either by State or Federal legislation, or in any other manner, to uphold and comply with this provision of the Constitution. I do not believe there are enough to meet God's final requisition to save Sodom. No, sir; they mock at constitutional obligations, jeer at oaths. They have lost their shame with their virtue, and no longer feel humiliated at the commission of these great crimes. I leave this point, with a demand for the compact. In the name of the people whom I represent, I demand the bond. In the name of every true and honest man in the North, as well as the South, I demand the redemption of your plighted faith.

I come, now, to the second point. These Black Republicans say they are opposed to the extension of slavery, and they seem to wish it mostly on account of their reverence for the "fathers of the Republic." I shall not at this time argue fully the territorial questions. I have already done so once in each branch of Congress, and my arguments are on the record. I seek now only to expose the action of the Republican party in relation to them. These Hartford Convention Federalists hypocritically pretended great reverence for Washington, Jefferson, and Madison. They stoned the prophets when they were alive, and claim salvation through them when dead. This has happened before. It is true, that many of the leading men in the Revolution from the South were opposed to slavery. I think one of the objections which Luther Martin, a delegate to the constitutional convention from Maryland, urged against the adoption of the Federal Constitution, was, that it tolerated the slave trade, and, perhaps, that it did not give the power to Congress to abolish slavery. But that is evidence of what the Constitution really was, a pro-slavery fundamental law. Washington, Jefferson, and Madison, all ex-

pressed opinions against slavery, but none of them ever pretended that the Constitution, in any way whatever, or in any degree whatever, provided either for restraining, limiting, or abolishing it. All three of them lived and died slaveholders. It is true, that Washington emancipated his slaves by his will, to take effect after the death of his wife. That is no uncommon event in the South; indeed it became so common that my own State, and the Southern States, generally, were compelled to restrain or prohibit this right.

Such is the relation between master and slave, that it is a common feeling with slaveholders not to permit their slaves to belong even to collaterals of their own families. Even when a slaveholder like Washington has no direct descendants, the law, in conformity to public policy, forbids or controls this strong tendency to emancipate. For forty years, Georgia has had to interpose by law to check this feeling, and prevent the Commonwealth being overrun by a free negro population. These fraudulent pretenders to the principles of these patriots have seized upon the personal opinions of these patriots, and attempt to ingraft them on the policy of the Republic, in direct violation of the Constitution. Washington, having no direct descendants, emancipated his slaves; left them that "heritage of woe;" and the result has been, nearly the whole of them are extinct, and the survivors are a curse to themselves and the communities among which they are cast. Jefferson died a slaveholder, and left his slaves to his heirs and creditors. Madison died a slaveholder, and left his slaves to his widow and other persons. Washington, by no word or act of his life countenanced the dogma that the Constitution of the United States gave the least authority to the Federal Government to limit, or restrain, or abolish slavery. John Adams, in 1798, extended the ordinance of 1787 over all the territory owned by the United States by virtue of the war of independence, expressly excluding the anti-slavery clause of that ordinance. Does New England repudiate her own fathers? If she does, let her not slander mine.

Jefferson acquired a slave territory larger than all the rest of the Union put together. He bought this slave territory, protected it, nurtured it, extended slavery over it, by protecting all slaveholders in any of the then existing States in emigrating to and settling in it. Under his policy Louisiana came into the Union; Missouri was trained for admission; and when she was prepared for it Mr. Jefferson had retired to Monticello. But the voice of northern Federalism reached his retreat; and he sternly rebuked the evil spirit which he had quelled during his administration, but which again dared to raise its treasonable crest.

Jefferson was alive when the eighth section of the act of 1820 was before the American Congress. He spoke for himself. In the face of your constant declarations—cold, calculating, wilful misrepresentations of him—hear him speak for himself. I thunder it in your ears. I would to God my voice could reach those whom you deceive and betray.

In his letter to John Holmes, of Maine, dated 29th April, 1820, Mr. Jefferson strongly condemned both the geographical line and the attempt to prevent "the diffusion of slavery over a greater surface;" and adds:

"An abstinence, too, from this act of power would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the Constitution has taken from them and given to the General Government. Could Congress, for example, say that the non-freemen of Connecticut should be freemen, and that they shall not emigrate into any other State?"

This was his argument in favor of extension. He then goes on to denounce the restrictionists of his day as political suicides, and traitors "against the hopes of the world." Such were the opinions entertained by the author of the ordinance of 1787, of the Missouri restriction of 1820.

Again, Mr. Jefferson, in a letter to Mr. Madison, says:

"I am indebted to you for your two letters of February 7 and 19. This Missouri question, by a geographical line of division, is the most portentous one I have ever contemplated." * * * [Generally understood to be Rufus King] "is ready to risk the Union for any chance of restoring his party to power, and wriggling himself to the head of it; nor is" * * * "without his hopes, nor scrupulous as to the means of fulfilling them."

Mr. Madison also, in a letter to Mr. Monroe, in 1820, says:

"On one side it naturally occurs, that the right, being given from the necessity of the case, and in suspension of the great principle of self-government, ought not to be extended further, nor continued longer, than the occasion might fairly require."

Mr. Madison says further:

"The questions to be decided seem to be—

"1. Whether a *territorial* restriction be an assumption of illegitimate power; or

"2. A misuse of legitimate power; and, if the latter only, whether the injury threatened to the nation from an acquiescence in the misuse, or from a frustration of it, be the greater.

"On the first point, there is certainly room for difference of opinion; though, for myself, I must own that I have always leaned to the belief that the *restriction was not within the true scope of the Constitution.*"

These are Jefferson's and Madison's denunciation of congressional prohibition—the identical question; and these men have the audacity to stand before the civilized world, even in the assemblies of their countrymen, where at least there ought to be some intelligence, and say their principles are in conformity with the policy of the early fathers. The audacity of mendacity can be carried no further.

I have already shown you the practices of Jefferson. Mr. Madison's were in perfect harmony with those of his friend Jefferson. Perhaps no man of the Revolution knew as well the whole scope, intent, and meaning of the Constitution, as Mr. Madison. He is often called its father. Yet this bastard tribe of Abolitionists, with unmistakable natural marks of their own paternity, dare to call him one of their fathers! Mr. Madison bore express testimony to the direct fact that this principle of the party is against the Constitution of the country. Sirs, if you will continue your mad career, if you are determined to ruin your country, I would even invoke you to spare the honest memories of the illustrious dead. You can no longer deceive any man by your slanders upon these patriots; the falsity of your accusation against them is known to all of you; have at least reverence enough to cease to utter it. If you respect the fathers of the Republic, imitate their example and policy. These fathers required, in the treaty which acknowledged their independence, that England should not carry off slaves or other property. Unite with us to make England break up her den of thieves in Canada; that would be imitating the example of the fathers. The fathers even of New England voted to continue the slave trade for twenty years. They got something or nothing for it; if something, pay it; if nothing, stand for their honor. We did not bring them in with the idea that you would either steal them or confiscate them. Was that your understanding of the bargain? The fathers said they would suppress insurrections. We do not think the events at Harper's Ferry are in strict conformity with that understanding.

But, sir, for every abolition enormity the Black Republicans have a stereotyped plea, either in mitigation or in bar. They say, upon the happening of every new outrage, every time they violate the compact, every time a new underground railroad company is started, every time any new outrage is perpetrated upon us, or a new raid conceived or accomplished, that all this comes of the repeal of the Missouri restriction; that was the Pandora's box which opened afresh this slavery agitation. Well, grant it; what was that act of atrocity which is pleaded in release of all constitutional obligations, in excuse for treason, murder, and arson? It was this: the Congress of the United States, by the concurrence of the legislative and executive departments of the Government, repealed the eighth section of the act of 1820, which prohibited slavery in all territories of the United States acquired from France, lying north of 36° 30' north latitude, and outside of Missouri, commonly called the Missouri restriction. This pretended law, which we repealed, has been decided by the Supreme Court of the United States to have been *null, void, and no law*. We said that it was not law; the Supreme Court said it was not law, but a usurpation of power by Congress. This was not only our judgment, but the judgment of the highest judicial tribunal of our country. They decided that it was unconstitutional to put it on the statute-book, and therefore unconstitutional to keep it there; then, because we would not let an unconstitutional act stain any

page on the statute-book, we have the curses of the Republican party and their base allies. "The head and front of our offending hath this extent, no more." This is our unpardonable sin. If our fidelity to the Constitution which we had sworn to support is the charge against us, we plead guilty to it.

I am not surprised that the support of the Constitution should be adjudged a crime by this coalition. With such a brand upon them, they ask us to submit to their rule if they have a majority. They are kind enough to ask us, "let us be brothers, or we will cut your throats—that is, if we can get your negroes to do it." They place great reliance on this arm of the Black Republican phalanx. When they get ready for this brotherly work, in the name and behalf of my constituents I extend to them a cordial invitation to come down to see us. But it is due to candor to say that their reputation needs some building up among my constituents. We do not think those men the most dangerous who are the most faithless to their compacts; and, in very truth, we have but small fear of men, even as leaders of untold millions, who have not manhood enough to maintain and defend their own honors. We are charged with raising in our demands upon the Government, of asserting new and unheard-of doctrines in relation to our rights in the Territories. The charge is equally baseless with all the rest that have been made by our adversaries. I stand to-day, on the territorial question, where I stood in 1850. I ask my colleague to read the extracts which I have marked from a speech delivered by me in the House of Representatives on the 27th February, 1850.

Mr. IVERSON read, as follows:

"Though hostile interference is the point of resistance, non-interference is not the measure of our rights. We are entitled to non-interference from alien and foreign Governments. England owes us that much; France owes us that much; Russia owes us non-intervention. You owe us more. You owe us protection. Withhold it, and you make us aliens in our own Government. Our hostility to it, then, becomes a necessity—a necessity justified by our honor, our interests, and our common safety."—*Appendix to Congressional Globe, first session Thirty-First Congress*, page 201.

"We only ask that our common Government shall protect us both equally until the Territories shall be ready to be admitted as States into the Union, then to leave the citizens free to adopt any domestic policy in reference to this subject which in their judgment may best promote their interest and their happiness. The demand is just. Grant it, and you place your prosperity and ours upon a solid foundation; you perpetuate the Union, so necessary to your prosperity; you solve the true problem of republican Government; you vindicate the power of constitutional guarantees to protect political rights against the will of majorities."

Mr. TOOMBS. Ten years' experience has not altered or modified these opinions. I stand to-day where I did then. I have no advance, no retreat to make from this ground. It was, in my judgment, right then; it is right to-day and forever; it is equality and justice planted in the compact of Union. Upon these terms I have ever been willing to let the Union stand, but upon no other. The Federal Government is now discharging its duty on this territorial question; if upon subordinate questions we should disagree, I agreed, and now agree, to let the judicial tribunals decide between me and my friends. I agreed, in the act of 1854, to abide that decision; I shall continue faithful to that obligation to the end. If the Republican party had power in the Government, how could they carry out their own principles in the Territories? The Supreme Court have already decided that congressional prohibition of slavery in the Territories is unconstitutional, and therefore null and void. Therefore, if they were again to pass such an unconstitutional law, they must do it against this decision. They can only succeed in their policy by subverting that tribunal. Hence I have established my second proposition, that this party not only seeks power to violate one of the fundamental principles of the Constitution, but in order to deprive the slaveholding States of their just and equal rights in the Territories, have conspired to reach their base ends by subverting the judiciary of our country. It is the only road to their avowed ends. They stand, then, convicted of the second specification against them.

My third charge against this Black Republican organization is, that great numbers of persons belonging to it, both in office and out of office, are daily perpetrating offences against their confederate States, which even among independent nations

afford just and sufficient cause for public war. It is clear that the peace of the country cannot long be maintained under such a state of things. The people of no independent State have the right to attempt, by word or deed, to injure or destroy the Government or people of any other country, nor in any manner whatever to disturb their tranquillity, or weaken their security. These of themselves are good and sufficient causes of war among nations; but these people have gone further. They daily attempt, by words and deeds, by counsel and pecuniary means, by the shelter and protection which they give, by law and without law, to the active participants in their schemes, to excite servile and civil war in the slaveholding States, and to subvert their institutions, to devastate the land by fire and sword. It is not necessary to read authority to sustain my position even as to the least criminal of these acts. The laws of nations, as well as the Divine law, write these principles indelibly upon the hearts and consciences of all good men. All the eminent publicists of the world maintain them. Black Republican Governors of the northern States annually denounce our institutions, and advise measures to subvert them.

Black Republican Legislatures are not only daily pouring out their denunciations, too, against us, but are constantly contriving fraudulent and violent legislative enactments to defeat us of our rights, and protect those of their own citizens who are engaged in stealing our property. Their Senators and Representatives even in the national councils are daily libelling and insulting their confederates, claiming immunity for such acts under the Constitution which they have broken. Many of their speeches are calculated and intended to excite servile war. Besides this, at least one Senator and sixty-eight Representatives of one House of the national Legislature have recommended a publication that advises the overthrow of our Government by force. One of these criminals is now supported for the office of Speaker of the House of Representatives by the whole Republican party of that body, and their support of him approved by all of the same party in this House. I say criminals; not one of these men can pass over the Potomac river and carry out his own recommendation without finding himself at least in the State prison; and they would fare even worse under the laws of Georgia. The pulpit, the press, and the lecture-room, join in this crusade against the people of the South, and counsel the adoption of all means to harass, endanger, and destroy us. These are truths seen and known of all men. Is this peace? If it is, I prefer war.

By whom are these things done? Who is responsible for them? The Republicans say we are not responsible, as a party, for them. Many of them are done by the party itself. For those of their crimes against society and the laws which bind civilized States together, which are committed by individual members of that party, or even by considerable numbers of them, I admit it requires further evidence to hold them responsible. I admit that even a State is not bound necessarily for the lawless acts of its citizens. Neither is a political party. The latter organization cannot ask to be put on a higher basis than an independent State. If the State does not punish the aggressors, or deliver them over to the aggrieved party to be punished, then she is bound for such acts. So if a political party approves of such acts of her members, even does not condemn them, she is justly held responsible for them.

Vattel lays down the law of nations in such cases to be this:

"But, if a nation or its chief approves and ratifies the act of the individual, it then becomes a public concern; and the injured party is to consider the nation as the real author of the injury, of which the citizen was perhaps only the instrument."

I apply the same principle to the Republican party. Do they not support their Governors and Legislature, their preachers, their lecturers, and their press, through which instrumentalities all these things are done? Are not the sixty-eight members in the House of Representatives among them and of them? Do they not support JOHN SHERMAN as Speaker of the House? If these things are true, then the Republican party are responsible for all these wrongs and crimes against us. Take away those who commit these crimes from them, and there is nothing left of the party.

Who is responsible for the treason, murder, and arson of John Brown? I have

never known of his acts being approved, defended, or palliated by any other person than a Republican. Thousands of them have done it, and are now doing it. In marshalling this dark catalogue of crimes against this organization, I would not be unjust to it. I have no doubt that thousands of persons belonging to their organization throughout the North loathe and despise this John Brown raid as much as the Senator from Maine [Mr. FESSENDEN] does slavery; but it is equally true, that there are other thousands in the same organization who do approve it. They tell us they condemn his acts, but admire his heroism. I think the Republican party must be pressed for a hero. Newgate calendar can furnish them with any number of such saints. To "die game" and not "to peach" are sometimes useful if not heroic virtues in an accomplice. The thousands of Black Republicans who do openly approve the treason, murder, and arson of John Brown, get no condemnation from their party for such acts. They are its main defenders and propagandists all over the North, and therefore the party is in moral complicity with the criminal himself. No society can long exist in peace under these injuries; hence, we are in virtual civil war; hence I denounce their authors, the Republican party, as enemies of the Constitution and enemies of my country.

It is in vain, in face of these injuries, to talk of peace, fraternity, and a common country. There is no peace; there is no fraternity; there is no common country. I and you, and all of us, know it. My country is not common to the men who counsel the overthrow of her system by social and servile war, and all of its attendant horrors, and I trust never will be. Sixty-eight members of Congress and one Senator, at least, have endorsed these sentiments as contained in the Helper book. One of their number is now a candidate for the third office under our Government; and I do not know of a Republican in the United States, in Congress or out of it, who does not support him. He could not travel in a single slaveholding State, from this to Mexico, with whose laws I am acquainted, in which he would not subject himself to punishment as a felon if he dared to carry out his own recommendations. With all these facts, I submit it to the judgment of the Senate, the country, and the civilized world, if, according to the public law of all civilized nations, we have not just cause of war against our confederates? I further submit that our duty and our security require us to accept it speedily, unless we can get redress through the operation of the Government, or of the States of whose citizens we complain. To them we make this final appeal. Give us the compact; give us peace. Disturb no longer our domestic tranquillity.

To make this appeal effectual, it is our duty at the South, first, to crush out the party divisions which exist among ourselves; to unite with all men who feel the wrongs of their country, and who are willing to unite for their redress; who have no affiliation or sympathy with Black Republicanism in any of its forms, and are ready to drive them from the national councils. Let the enemies of this organization extend to each other cordially the right hand of fellowship, and, for pure and honest purposes, bring their past party differences and sacrifice them at the altar of patriotism. Thus, having secured our own union and harmony, let us appeal to the friends of the Constitution in the non-slaveholding States to imitate our example. Let us appeal to those of that class who are among, but not of, the public enemies themselves. Let us invoke them to join the army of the Constitution. Let us call upon the American organization of the North, as well as the South, to enlist under its banners. Let us invoke, in a spirit of kindness and fraternity, those Democrats of the North who, from discontent upon a collateral issue, have withdrawn from the faithful column, and whose position gives aid and comfort to the common enemy, to return to their colors. I have no word of invocation to those who stand to-day in the ranks of the northern Democracy, but to remember and emulate their past history. From the beginning of this sectional controversy, they have stood firmly by the Constitution, in sunshine and storm. No body of men, in the world's history, ever exhibited higher or nobler devotion to principle under such adverse circumstances.

The enemies of the Constitution, seeing that they were its last bulwark in the

non-slaveholding States, have brought against them every engine of destruction which their mad-dened malice could invent. Their very loyalty to the Constitution is daily charged against them as treason to their own firesides. Amid the opprobrious epithets, the jibes, and jeers of the enemies of the Constitution; worse than this: amid words of distrust and reproach even from men of the South, these great-hearted patriots have marched steadily on in the path of duty. Amid treachery and desertion at home, and injustice from without, amid disaster and defeat, they have risen superior to fortune, and stand to-day, with their banners all tattered and soiled in the honorable service of the whole country, ready to renew the conflict and to snatch victory from the very jaws of defeat. No matter what fortune may betide us in the future; while life lasts I have a hand that will succor and a heart ready to embrace the humblest soldier of this noble band. The union of all of these elements may yet secure to our country peace and safety. But if this cannot be done, peace and safety are incompatible in this Union; but there is safety and a glorious future for the South. She knows that liberty, in its last analysis, is but the blood of the brave. She is able to pay the price and win the blessings. Is she ready?

We occupy eight hundred and fifty thousand square miles of territory, stretching from Mason and Dixon's line to the Mexican frontier—the fairest, the most fertile, and the loveliest land that God ever gave to man; with noble rivers, bearing on their bosoms to the ocean the rarest and richest products of the earth, with capacious and commodious harbors, inviting the commerce of the world to take them to distant lands; with noble mountains, containing the richest and most useful ores and minerals of the earth; with valleys and plains fertile and salubrious, inviting and rewarding the hand of industry; with forests unequalled in the beauty and value of their products; with more than twelve million inhabitants, prosperous and attached and loyal to their social system; a loyalty so devoted, that neither the treason nor seditious teachings to which I have referred, nor brute force, have been able since the Revolution to seduce one hundred men, of any class or condition of her society, from their allegiance to their homes and social system. Our people, after maintaining themselves in all the necessities of life at home, already export over two hundred million dollars' worth of their produce to all the great marts of the world. This country, capable of supporting a population larger than all Europe, is stronger in arms for her defence than all the five great powers of Europe put together.

Sir, our whole country had but three million of population, including slaves, when she met old England in the struggle of the Revolution. We have four times that population, and one hundred times the wealth, of all the colonies combined. We are the sons of the same people. Look to our past record, in peace or in war. Look to the record, all covered over with honor; with fidelity to every engagement in peace or war; with heroic devotion to the common cause, wherever danger called for constancy and courage—to the record of Virginia. She furnished the great leader of our armies in the Revolution, and many others, second to none but her own great son. Her statesmen guided and directed your councils in that great struggle. The blood of her children was shed and their bones bleached upon every battle-field of the Revolution, from Quebec to Savannah. She carried upon her own shoulders two-thirds of all the burdens of the war of independence.

Sir, the disloyal hands of the descendants of the men of that day—men for whom these sacrifices were made—have shed the blood of her own sons on her own soil, and she owes it only to the loyalty of her people that the whole Commonwealth was not wrapped in flames and in servile war; and the courage of these midnight assassins and cowardly traitors is the constant theme of senatorial eloquence! Her sons and her grandsons, loyal to her institutions, loving her as a mother, are scattered all over the plains and valleys and mountain-tops of this fair land, who feel deeply the wound to her honor. Every loyal heart within the limits of her southern sisters beats in unison with the feelings of these sons, and waits but her signal gun to avenge her. They are ready and willing and anxious to hear this signal gun—"One blast from her bugle horn were worth a million men."

Sir, I have but little more to add—nothing for myself. I feel that I have no need to pledge my poor services to this great cause, to my country. My State has spoken for herself. Nine years ago a convention of her people met and declared that her connection with this government depended upon the faithful execution of this fugitive slave law, and her full enjoyment of equal rights in the common Territories. I have shown that the one contingency has already arrived; the other waits only the success of the Republican party in the approaching presidential election. I was a member of that convention, and stood then and now pledged to its action. I have faithfully labored to avert these calamities. I will yet labor until this last contingency happens, faithfully, honestly, and to the best of my poor abilities. When that times comes, freemen of Georgia redeem your pledge: I am ready to redeem mine. Your honor is involved, your faith is plighted. I know you feel a stain as a wound; your peace, your social system, your firesides, are involved. Never permit this Federal Government to pass into the traitorous hands of the Black Republican party. It has already declared war against you and your institutions. It every day commits acts of war against you; it has already compelled you to arm for your defence. Listen to "no vain babblings," to no treacherous jargon about "overt acts;" they have already been committed. Defend yourselves; the enemy is at your door; wait not to meet him at the hearthstone—meet him at the door-sill, and drive him from the temple of liberty, or pull down its pillars and involve him in a common ruin.

Note.—Mr. Toombs regrets to see, from a recent report of the committee of the Virginia legislature, that perhaps he may be mistaken in excepting any of the non-slaveholding States this side of the Rocky mountains from infidelity to the Constitution, so far as the fugitive slave law is concerned.

APPENDIX.

Abstract of Laws passed by certain Northern States to nullify the Fugitive Slave laws of the United States.

CONNECTICUT imposes a fine of \$5,000 and imprisonment for five years, upon any person who shall assert that any free person is a slave, with intent to procure the reduction of such person into slavery; requires the testimony of at least two credible witnesses, or equivalent evidence, to prove the charge that any person being in, or having been in the State, is or was a slave; excludes testimony by deposition in such cases; imposes a fine of \$5,000 and imprisonment for five years upon any person who shall seize, or procure to be seized, any free person with intent to have such person held in slavery; punishes, with a year's imprisonment in the State prison, any person who shall obstruct any officer in executing process to arrest any offender against the penal provisions of this statute; excepts persons claiming the service of apprentices for fixed terms from the penalties of this statute.

MAINE imposes a fine of not exceeding \$1,000, or a penalty of a year's confinement in the common jail, upon every State officer who shall arrest or detain, or aid in arresting or detaining in prison, any fugitive slave.

MASSACHUSETTS forbids her judges and magistrates to take cognizance of the act of Congress concerning fugitive slaves passed in 1793, and prohibits her State officers from arresting fugitive slaves, or detaining them in her jails or public buildings. (24th March, 1843. Revised Statutes Mass.) The provisions of the foregoing act are extended to the fugitive slave law passed by Congress 18th September, 1850. Massachusetts guaranties the *habeas corpus*, trial by jury, and the right of bail to fugitive slaves; punishes, by a fine of from \$1,000 to \$5,000, and an imprisonment of from one to five years, any person other than the owner who shall aid in arresting or taking a fugitive slave out of the State; disqualifies her State officers from aiding to carry out the fugitive slave law; subjects to impeachment any judge who shall act as a commissioner under the fugitive slave law; punishes with fine and imprisonment any member of a militia company who shall aid in the execution of the fugitive slave law; forbids the use of her State prisons for the confinement of any fugitive slave; (*Act of May 21st, 1855*;) disqualifies commissioners of the United States under the fugitive slave law from holding any State judicial office, except that of justice of the peace, under certain limitations. (See Acts of 1858, Chap. 175.)

MICHIGAN directs the State attorneys to defend all fugitives claimed by their masters, and charges the costs of their defence upon the State; secures to fugitive slaves the writ of *habeas corpus*, the right of appeal to a supreme court, the trial by jury upon every issue of fact which may arise between the fugitive and the claimant, and a right of bail in an amount to be fixed by the committing officer; prohibits the imprisonment of any fugitive slave in any jail in the State, and imposes a fine of from \$500 to \$1,000 upon any officer having charge of a State jail who allows a fugitive slave to be imprisoned therein; imposes a penalty of from three to five years' imprisonment upon any person who shall falsely represent that any free person is a slave, or who shall assist in removing any free person from the State as a slave; imposes a fine of from \$500 to \$1,000 upon any person who shall seize any free person, with intent to have such free person held in slavery; requires at least two credible witnesses to prove the allegation that any fugitive is a slave; and excepts from all penalties any person who may claim for a fixed term the services of an apprentice. (*Act of 13th Feb., 1855. Laws of Michigan, 1855.*)

Directs sheriffs to receive into her prisons all prisoners committed under federal process, and authorizes them to receive pay for the same, but prohibits the sheriff from admitting into the prisons any fugitive slave under a penalty of \$1,000 and one year's imprisonment in the county jail. (*Rev. Stat. Michigan, 1856.*)

Imposes a fine of not exceeding \$1,000, and imprisonment not exceeding ten years in the State prison, upon any person bringing a slave into the State. Thus imposing a heavy and infamous penalty upon any master merely *in transitu* with his slave through the State. (*Act of July 16th, 1859. Laws of Michigan, 1859.*)

NEW HAMPSHIRE liberates by statute any slave who shall come or be brought into, or be in the State, either by the consent of his master or involuntarily; makes it a felony, punishable with confinement at hard labor for a term not less than one nor more than five years, to hold, or attempt to hold, in this State in slavery any person of any color for any length of time, or under any pretence; excepts from the foregoing penalties all acts lawfully done by any officer of the United States, or other person, in the execution of any legal process.

OHIO attempts to nullify the law of Congress concerning fugitive slaves by a judicial interpretation of her *habeas corpus* act.

RHODE ISLAND forbids any sheriff, or other officer, from arresting or detaining any fugitive slave under a penalty of \$500, or imprisonment for not less than six months.

VERMONT denies the power of the District Court of the United States to issue a writ of *habeas corpus*, except upon proceedings pending in said court; emancipates the slave of a master passing through the State, and pledges the whole power of the State to maintain the claim of the slave to freedom.



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